Remark

Applicant respectfully requests reconsideration of this application. No claims have been amended. No claims have been canceled. Therefore, claims 1-3 and 7-15 are now presented for examination.

35 U.S.C. §102(e) Rejection,

Anderson

The Examiner has rejected claims 1,2,7-9,11-13 and 15 under 35 U.S.C. §102(e) as being anticipated by US Patent No. 5,905,910 of Anderson ("Anderson"). Applicant respectfully disagrees and submits that the claims as written are allowable over Anderson.

Independent Claim1, 7, 12 and 15 each contain a form of the following language, "data being communicated between said system bus and said first and second rives **to be written to** and read from **said first and second drives** in an interleaved form and **substantially in parallel.**" This language requires **the writing** of the data to the two disks to occur substantially in parallel. By having a distinct striping controller that is separate from the system where the BIOS resides, the invention is able to take a string of data and alternately and simultaneously **write** even and odd address location **contents** to their respective places on the disk. The Office Action incorrectly assumes that writing to a disk is the same as positioning the read/write head to the proper location on the disk drive by citing Anderson's ability to prepare a disk drive while the other is being written to as equivalent to writing to two disks substantially in parallel, "to allow each of the first and second disk drives to simultaneously (parallel) perform the consuming task of

positioning the read/write head at the proper location on the disk drive [Col. 8, lines 62-67; Col. 9, lines 1-3]." Clearly these are not equivalent as expressly recognized in Anderson (see below and Col. 4, lines 47-52).

Anderson is concerned with improving disk writing performance by allowing the BIOS to control the writing to two disks such that when one disk is being written to the other disk is being prepared to be written to. Anderson specifically states, "It should be noted that **it is not possible to simultaneously transfer data** [writing data] to two disk drives with the present invention, but that the two disk drives may still be **active simultaneously** with data being transferred to one disk drive while the second disk drive is preparing for a data transfer." (Col. 4, lines 47-52) Any reference in Anderson to simultaneous access defers to this limitation that only one is being written to while the other is being prepared to be written to. Accordingly, as each of the claims require that the first and second disk are **written to substantially in parallel** and Anderson fails to teach or suggest such a feature, independent claims 1, 7, 12 and 15 should be allowed over the cited prior art.

Independent Claims 1 and 15 require in some form the following: "**an interface connected to said system bus and communicating with said BIOS**; first and second disk drives each having data separator electronics, data formatting electronics and head positioning electronics; **a striping controller connected between said first and second disk drives and said interface, said striping controller to cause** data being communicated between said system bus and said first and second drives to be written to and read from said first and second drives in an interleaved form and substantially in parallel."

The invention is concerned with providing a striping solution incorporating multiple disk drives while allowing standard drivers to be used. (Page 4, lines 1-2). In order to accomplish a multiple disk drive striping solution without requiring new drivers to be implemented, the present invention removes the striping from the BIOS by creating a striping controller to handle the striping. Specifically, the invention as incorporated by claim 1, requires that an interface be connected to the system bus and communicating with the BIOS and further requires the striping controller be connected between the disk drives and the interface. **This language requires that the striping controller be separated from the BIOS** specifically to address the design benefit of creating a striping solution that allows for the use of standard drivers.

In contrast, Anderson, as well as the admitted prior art discussed with reference to Figure 2 of the application, requires all striping commands to be determined by the BIOS. Indeed, the Examiner recognizes that the Anderson BIOS must issue all striping commands, "the system 100 advantageously allows the BIOS 106 to issue commands to both the first disk drive 110 and the second disk drive 112 to allow each of the first and second disk drives to simultaneously (parallel) perform the consuming task of positioning the read/write head at the proper location on the disk drive [Col. 8, lines 62-67; Col. 9, lines 1-3]." There is no teaching or suggestion in Anderson or the prior art discussion with reference to figure 2 that requires the striping controller to be separate from the BIOS. Accordingly, independent claims 1 and 15 should be allowed over Anderson and a favorable action requested.

35 U.S.C. §103(a) Rejection,

Anderson and Jenkins

The Examiner has rejected claims 3, 10 and 14 under 35 U.S.C. §103(a) as being

unpatentable over Anderson and US Patent No. 4,047,157 of Jenkins ("Jenkins").

Applicants disagree with this rejection for at least the reasons stated above with respect to

the base claims being patentable over Anderson.

Additionally, with reference too all rejections, Applicant maintains arguments

presented in the September 5, 2000 response for redress on Appeal if necessary.

Conclusion

Applicant respectfully submits that the rejections have been overcome by the

remark, and that the claims remain in condition for allowance. Accordingly, Applicant

respectfully requests the rejections be withdrawn and the claims as amended be allowed.

Invitation for a Telephone Interview

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

Request for an Extension of Time

The Applicant respectfully petitions for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension.

Charge our Deposit Account

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: <u>December 22, 2000</u>

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